

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-CR-30193-JPG
	)	
TARA PRINCE,	)	
	)	
Defendant.	)	

**MOTION FOR NOTICE OF INTENT TO USE  
AND DESCRIPTION OF 404(b) EVIDENCE**

Comes now Defendant, by her attorney John D. Stobbs II and moves for production of the following materials:

1. Notice of and a description of any prior similar act, as well as any other evidence covered by Federal Rule of Evidence 404(b) that the Government would seek to introduce at trial. See *U.S.A. v. Shackleford*, 738 F.2d 776 (7<sup>th</sup> Cir. 1984); *U.S.A. v. Mahone*, 537 F.2d 922 (7<sup>th</sup> Cir.) *cert. denied*, 429 U.S. 1025.

2. The Defendant further requests a statement of the Government's theory of admissibility with respect to each item of Rule 404(b) evidence. See *Huddleston v. U.S.A.*, 108 S.Ct. 1496, 1501, note 6 (1988) (trial court must conduct Rule 403 balancing inquiry before introduction of Rule 404(b) evidence; strength of evidence establishing the similar act is one of Rule 403 balancing factors).

3. Rule 404(b) provides that under certain circumstances evidence of other crimes or bad acts may be used to show motive, opportunity, intent, preparation, plan, knowledge,

identity or absence of mistake or accident. Said Rule further provides that upon appropriate request of the accused the prosecution shall provide reasonable notice in advance of trial of the general nature of any such evidence it intends to use. As such this Motion is made in good faith.

WHEREFORE, for these reasons Defendant respectfully suggests that her Motion should be granted.

TARA PRINCE

STOBBS LAW OFFICES

BY:

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2008 a copy of the attached *Motion for Notice of Intent to Use and Description of 404(b) Evidence* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Mr. Kevin Burke  
Assistant U.S. Attorney  
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Fairview Heights, Illinois 62208

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